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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

THERESA DUTCHUK, ANNALISA
HEPPNER, LIZ ORTIZ, RANNA WELLS,
NORMA JOHNSON, AND JANE DOE VI

Plaintiffs,

vs.

DAVID YESNER, UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
UNIVERSITY OF ALASKA SYSTEM,

Defendants.

Case No.: 3:19-cv-00136-HRH

**NOTICE OF PERTINENT AND
SIGNIFICANT LEGAL AUTHORITY**

1 **NOTICE OF PERTINENT AND SIGNIFICANT LEGAL AUTHORITY**

2 Pursuant to Local Rule 7.1(d), Plaintiffs would like to put this Court on notice of
3 legal authority that is pertinent and significant to Plaintiffs’ argument set forth in their
4 Response to Defendants University of Alaska Board of Regents and University of Alaska
5 System’s Partial Motion to Dismiss [Dkt. No. 56][See pp.14-15].
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7 Plaintiffs would like to submit the attached case *Hernandez v. Baylor University*,
8 274 F. Supp. 3d 602 (W.D. Tex. 2017) for the Court’s review and consideration.
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10 In *Hernandez v. Baylor University*, the Western District of Texas declined to
11 dismiss plaintiff’s Title IX claims as untimely when she alleged that she first became aware
12 of the university’s deliberate indifference to a known issue of sexual misconduct within its
13 football program four years after the university football player assaulted her—**when a law**
14 **firm investigating the university’s handling of sexual-assault allegations released its**
15 **report.** *Id.* at 617. Although the plaintiff knew she had been assaulted and that the
16 perpetrator had assaulted other women, **the court believed it was reasonable to infer that**
17 **her claims did not accrue until later investigations publicly revealed that the**
18 **university knew and could have prevented her assault.** *Id.* at 616-617.
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22 The Court in *Hernandez* denied Defendants’ Motion to Dismiss based on statute of
23 limitations defense because based on allegations, plaintiff **“had no reason to suspect that**
24 **Baylor’s alleged deliberate indifference played a role in her assault,”** where plaintiff
25 **did not learn of university’s role in causing her sexual assault until law firm hired to**
26 **investigate university’s handling of sexual assaults released findings years later.** *Id.* at
27 617.
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1 Plaintiffs' case here against University of Alaska is similar. Plaintiffs appreciate this
2 Court's consideration of this legal authority.

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5 DATED: January 28, 2020
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1 Respectfully submitted,

2 By: /s/ Cornelia Brandfield-Harvey

3 Anthony G. Buzbee

4 (*Admitted Pro Hac Vice*)

5 *Attorney in Charge*

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/s/ Cornelia Brandfield-Harvey
Cornelia Brandfield-Harvey